

Coons	Hoeven	Portman
Corker	Hyde-Smith	Risch
Cornyn	Inhofe	Roberts
Cotton	Isakson	Rounds
Crapo	Johnson	Rubio
Cruz	Jones	Sasse
Daines	Kaine	Schatz
Donnelly	Kennedy	Schumer
Durbin	King	Scott
Enzi	Klobuchar	Shaheen
Ernst	Lankford	Shelby
Feinstein	Leahy	Sullivan
Fischer	Lee	Tester
Flake	Manchin	Thune
Gardner	McCaskill	Tillis
Graham	McConnell	Toomey
Grassley	Moran	Udall
Hassan	Murkowski	Van Hollen
Hatch	Murphy	Warner
Heinrich	Nelson	Wicker
Heitkamp	Paul	Young
Heller	Perdue	

## NAYS—21

Baldwin	Harris	Reed
Booker	Hirono	Sanders
Brown	Markey	Smith
Cantwell	Menendez	Stabenow
Casey	Merkley	Warren
Cortez Masto	Murray	Whitehouse
Gillibrand	Peters	Wyden

## NOT VOTING—2

Duckworth	McCain
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The Senate will resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of John B. Nalbandian, of Kentucky, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Nalbandian nomination?

Mr. COTTON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

Mr. DURBIN. I announce that the Senator from Illinois (Ms. DUCKWORTH) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 95 Ex.]

## YEAS—53

Alexander	Corker	Ernst
Barrasso	Cornyn	Fischer
Blunt	Cotton	Flake
Boozman	Crapo	Gardner
Burr	Cruz	Graham
Capito	Daines	Grassley
Cassidy	Donnelly	Hatch
Collins	Enzi	Heitkamp

Heller	McConnell	Sasse
Hoeven	Moran	Scott
Hyde-Smith	Murkowski	Shelby
Inhofe	Paul	Sullivan
Isakson	Perdue	Thune
Johnson	Portman	Tillis
Kennedy	Risch	Toomey
Lankford	Roberts	Wicker
Lee	Rounds	Young
Manchin	Rubio	

## NAYS—45

Baldwin	Hassan	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Sanders
Booker	Jones	Schatz
Brown	Kaine	Schumer
Cantwell	King	Shaheen
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Markey	Tester
Coons	McCaskill	Udall
Cortez Masto	Menendez	Van Hollen
Durbin	Merkley	Warner
Feinstein	Murphy	Warren
Gillibrand	Murray	Whitehouse
Harris	Nelson	Wyden

## NOT VOTING—2

Duckworth	McCain
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The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:59 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Mitchell Zais, of South Carolina, to be Deputy Secretary of Education.

The PRESIDING OFFICER. There will now be 10 hours of debate equally divided in the usual form.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I have come to the floor this afternoon to oppose the nomination of GEN Mitchell Zais, who has been nominated to serve as Secretary DeVos's Deputy Secretary at the Department of Education. I am opposing this nomination because those who work at the top of the Department of Education should be committed to its top priority, which is helping educate our next generation of students. They should not be focused on demonizing teachers or public schools or the Federal Government's role in public education, and they should not be promoting their extreme ideological agendas at the expense of our students.

We need a Department of Education with a positive vision for our neighborhood public schools that believes that

everyone has the right to a high-quality public education no matter where they live or how they learn or how much money their parents make. That is what millions of parents and teachers and students stood up for during Secretary DeVos's confirmation hearing.

Despite the public rejection of her extreme ideology and her unprecedented tie-breaking confirmation vote by Vice President PENCE, it is clear Secretary DeVos has led the Department of Education in the opposite direction. She has continued to push her privatization agenda, trying to siphon taxpayer funds away from our public schools. She has ignored key parts of our Nation's K-12 laws, refusing to hold States accountable for the success of our most vulnerable students. She has made it easier for predatory, for-profit companies to take advantage of students, rolling back protections for students and dismantling the unit that investigates claims of fraud and abuse. Time and again, she has failed to protect students' civil rights. She tried to shrink the Office of Civil Rights. She rolled back protections for transgender students. She rescinded guidance for schools on how to investigate claims of campus sexual assault.

With Secretary DeVos's ideological agenda steering this ship, it is clear to me that the Department of Education needs a strong and independent Deputy Secretary of Education to once again start putting students first. Unfortunately, General Zais made it clear that he would be proud to be Secretary DeVos's right-hand man and shares her position on a number of concerning issues. He agrees with Secretary DeVos's extreme privatization agenda to siphon taxpayer funds from our public schools. He largely opposes the Federal role in education and, like Secretary DeVos, seems to lack even an understanding of key issues important to public schools.

As the State superintendent of education, General Zais allowed his partisan ideology to hurt South Carolina students. He refused Federal funding that could have saved teachers' jobs—the only State to do that—and he objected to plans to expand access to universal pre-K, calling 5-year-olds “too young to learn.” That is a particularly shocking comment to those of us who understand the importance of the first 5 years for children's development.

I come to the floor today on behalf of millions of parents and students and teachers who so loudly objected to Secretary DeVos's agenda during her confirmation, and I ask my colleagues to vote against this nomination and not allow another DeVos-like nominee into the Department of Education.

Thank you, Mr. President.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.